CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	M	Force	V	Discourt.	✓ U.S.
Trevor Hackett		Squad #8	202003240	I	Abuse	₩ W	O.L.	☑ Injury
Trevor Truescu		Squad 110	202003240	V	710450	v	O.B.	V injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Saturday, 05/02/2020 5:00 PM, Sa 05/02/2020 6:30 PM	aturday,	Inside Brower Park (co and Brooklyn Avenue): stationhouse			77	1	1/2/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB
Sun, 05/03/2020 10:50 AM		IAB	Phone		Wed, 05/1	3/202	0 11:16 AN	M
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
POM Michael Napolitano	05521	958971	077 PCT					
2. Officers								
3. POF Stephanie Perez	26230	964210	077 PCT					
4. POM Matthew Melendez	18332	955179	077 PCT					
5. POM Christian Feraca	28279	965088	077 PCT					
6. SGT Derek Jaffe	01641	953993	077 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Malcolm Brissettortiz	11357	960281	077 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recor	nmendation
A.POM Matthew Melendez		side Brower Park in Bro Melendez pointed his g		er				
B. Officers	Force: In guns.	side Brower Park in Bro	ooklyn, officers drew	v the	ir			
C.POM Matthew Melendez		nside Brower Park in Bro Melendez threatened			of			
D.POM Michael Napolitano		side Brower Park in Bro Napolitano used physica						
E.POM Michael Napolitano		side Brower Park in Bro Napolitano used a choke						
F.POM Michael Napolitano		side Brower Park in Bro Napolitano restricted	poklyn, Police Office \$87(2)(b)	er				
G.POM Michael Napolitano		side Brower Park in Bro Napolitano used physica						

Officer(s)	Allegation	Investigator Recommendation
H.POM Michael Napolitano	Force: Inside Briower Park in Brookyn, Police Officer Michael Napolitano used physical force against \$\frac{8.87(2)(b)}{2}\$	
I.POM Matthew Melendez	Discourtesy: Inside Brower Park in Brooklyn, Police Officer Matthew Melendez spoke discourteously to \$87(2)(b)	
J.POM Matthew Melendez	Discourtesy: Inside Brower Park in Brooklyn, Police Officer Matthew Melendez spoke discourteously to \$87(2)(b)	
K.POM Matthew Melendez	Off. Language: Inside Brower Park in Brooklyn, Police Officer Matthew Melendez made offensive remarks to \$87(2)(b)	
L.POM Michael Napolitano	Abuse: Inside Brower Park in Brooklyn, Police Officer Michael Napolitano refused to provide his shield number to an individual.	
M.POM Christian Feraca	Discourtesy: Inside Brower Park in Brooklyn, Police Officer Christian Feraca spoke discourteously to \$87(2)(b)	
N.POM Michael Napolitano	Discourtesy: At the 77th Precinct stationhouse, Police Officer Michael Napolitano spoke discourteously to \$87(2)(b)	
O.POM Michael Napolitano	Abuse: At the 77th Precinct stationhouse, Police Officer Michael Napolitano threatened with the use of force.	
P.SGT Derek Jaffe	Abuse: At the 77th Precinct Stationhouse, Sergeant Derek Jaffe did not obtain medical treatment for \$87(2)(b)	
Q.POF Stephanie Perez	Abuse: At the 77th Precinct stationhouse, Police Officer Stephanie Perez did not obtain medical treatment for \$87(2)(b)	
R. Officers	Abuse: At the 77th Precinct stationhouse, officers did not obtain medical treatment for § 87(2)(b)	
S.POM Michael Napolitano	Discourtesy: At the 77th Precinct stationhouse, Police Officer Michael Napolitano spoke discourteously to	
T.POM Michael Napolitano	Discourtesy: At the 77th Precinct stationhouse, Police Officer Michael Napolitano spoke discourteously to \$\frac{87(2)}{8}\$	
U.POM Michael Napolitano	Abuse: At the 77th Precinct stationhouse, Police Officer Michael Napolitano threatened § 87(2)(b) with the use of force.	
V.POM Michael Napolitano	Untruthful Stmt.: On December 3, 2021, and December 28, 2021, Police Officer Michael Napolitano provided a misleading official statement to the CCRB.	
W.POM Michael Napolitano	Untruthful Stmt.: On December 3, 2021, Police Officer Michael Napolitano provided a false official statement to the CCRB.	

<u>Case Summary</u> called IAB and filed this complaint. This complaint was On May 3, 2020, § 87(2)(b) received by the CCRB on May 13, 2020.

On May 2, 2020, at approximately 5:00 p.m., \$87(2)(b) was inside Brower Park in Brooklyn
and saw officers, including Police Officer Matthew Melendez of the 77th Precinct, point their guns
at \$ \$7(2)(6) PO Melendez also pointed his
taser at \$87(2)(6) (Allegation C: Abuse of Authority, \$87(2)(8) As officers were escorting
out of the park, Police Officers Michael Napolitano and Malcom Brissettortiz of the 77 th
Precinct turned around and approached \$87(2)(b) PO Napolitano used a chokehold against
to bring him to the ground, and while doing so, restricted \$87(2)(b)
breathing (Allegations D, E and F: Force, S87(2)(g) Once on the ground, PO Napolitano
punched \$87(2)(b) placed his hands on the back of \$87(2)(b) head and pushed his
face into the ground (Allegations G and H: Force, \$87(2)(g) While officers were arresting
inside the park, PO Melendez was placing \$87(2)(b) in the back of a police
vehicle and said that \$87(2)(b) was, "playing fucking stupid" (Allegation I: Discourtesy,
\$ 87(2)(g) allegedly kicked PO Melendez in the face and in response, PO
Melendez asked \$87(2)(b) if he was "fucking retarded" and made several other profane remarks
(Allegation J: Discourtesy, \$87(2)(g) Allegation K: Offensive Language, \$87(2)(g)
While \$87(2)(6) was being escorted out of the park, an unidentified individual requested PO
Napolitano's shield number, which he refused to provide (Allegation L: Abuse of Authority,
was placed inside a police vehicle, Police Officer Christian
Feraca said to \$87(2)(b) "Stop fucking spitting. No fucking spitting in here" (Allegation M: Discourtesy , \$87(2)(g) was transported back to the 77 th Precinct
was transported back to the // Precinct
stationhouse where PO Napolitano said to him, "If I see you again, I'm going to fucking crack you
again" (Allegation N: Discourtesy, \$87(2)(2) Allegation O: Abuse of Authority;
While at the stationhouse, \$87(2)(6) allegedly requested medical treatment from Sergeant Derek Jaffe and Police Officer Stephanie Perez of the 77 th Precinct as well as several
other officers, which they failed to obtain (Allegation P: Abuse of Authority, § 87(2)(g)
Allegation Q: Abuse of Authority, \$87(2)(9) Allegation R: Abuse of Authority,
887(2)(g) Anlegation Q. Abuse of Authority,
8.07(4)(5)
parents, § 87(2)(b) and § 87(2)(b) later arrived at the 77 th Precinct
stationhouse and spoke with PO Napolitano, who told them that he arrested \$87(2)(b) because
he was "being a fucking dickhead" and told \$87(2)(6) that there were "no fucking white kids to
arrest in the precinct. PO Napolitano then allegedly said to \$87(2)(6) "I'm going to fuck you up
like I fucked your son up" and told both \$87(2)(b) and \$87(2)(b) to "get the fuck out" of the
stationhouse (Allegations S and T: Discourtesy, \$87(2)(g) Allegation U: Abuse of
Authority, § 87(2)(g)
During his interview on December 3, 2021, PO Napolitano provided both a misleading official
statement and a false official statement to the CCRB (Allegations V: Untruthful Statement,
On December 28, 2021, during a subsequent interview for this case, PO Napolitano
provided a misleading statement to the CCRB (Allegation W: Untruthful Statement,
§ 87(2)(g)
was charged with assaulting a police officer, resisting arrest, obstructing governmental
administration, and disorderly conduct. § 87(2)(b) was ultimately released with a desk
appearance ticket for resisting arrest.

Body Worn Camera (BWC) footage was obtained from Police Officer Tyrell Major, Police Officer Kenneth Anderson, Deputy Inspector John Buttacavoli, Police Officer Stephanie Perez, Police Officer Corey Mott, Police Officer Matthey Melendez, Police Officer Michelle Giglio, Police Officer Deondre Castello, Lieutenant Sean Claxton, Police Officer Ryan Gaynor, Police Officer Marcella Shamblee, Police Officer Connor Boalick, Police Officer Joshua Stembridge, Police Officer Raymond Sanchez, Police Officer Johnathan Todman, Police Officer Tahir Malik, Police Officer Christian Feraca, Police Officer Brett Ostrander, Police Officer Kenneth Gilleneau, Police Officer Gherghe Cojocaru, Police Officer Daniel Staffa, Police Officer Michael Napolitano, Police Officer Malcom Brissettortiz and Sgt. Johnathan Cotter. The footage is located in IAs #109-132 (Board Review 04 – 34) and 199-201 and is summarized in IA #133 (Board Review 35).

Cell phone footage of the incident was provided by savenum and is located in IAs #23 and 24 (Board Review 36, 37). The footage is summarized in IAs #25 and 26 (Board Review 38, 39).

Stationhouse footage from the 77th Precinct was obtained and is located in IA #74 and #229 (**Board Review 40, 41**) and is summarized in IA #240 (**Board Review 42**).

Allegation A – Force: Inside Brower Park in Brooklyn, Police Officer Michael Melendez pointed his gun at \$87(2)(6)

Allegation B – Force: Inside Brower Park in Brooklyn, Officers pointed their guns at \$87(2)(b)

Allegation C – Abuse of Authority: Inside Brower Park in Brooklyn, Police Officer Michael

Melendez threatened with the use of force.

It is undisputed that PO Melendez drew and pointed his gun at \$87(2)(b) while placing him under

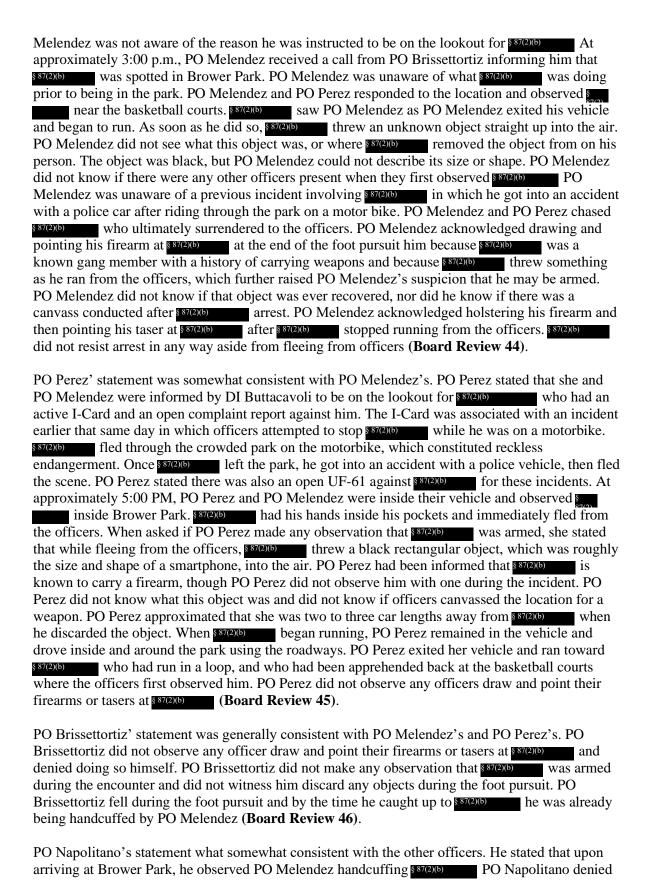
It is undisputed that PO Melendez drew and pointed his gun at while placing him under arrest. What remains in dispute is whether he was justified in doing so and whether any other officers drew their firearms during the incident.

BWC from PO Melendez shows, at 00:12, visible on the media player at the bottom of the screen, PO Melendez has drawn his gun, is holding it in his right hand, and is pointing it in front of him. At 00:19, PO Melendez's taser is visible in his left hand. He points it at \$\frac{87(2)(6)}{2}\$ as he approaches him. \$\frac{87(2)(6)}{2}\$ puts his hands up, gets on his knees, and is handcuffed on the ground by PO Melendez and another officer. At 00:35, Several civilians can be heard telling officers that PO Melendez pulled out his gun. PO Melendez responds by saying, "Yes, I did." The footage does not capture any other officer with their guns drawn. The footage does not capture \$\frac{87(2)(6)}{2}\$ discard any object prior to being handcuffed, though the footage appears to start after the foot pursuit has already begun. The footage does not capture any other officer with their firearms drawn (**Board Review 13**).

§ 87(2)(b)	statement was sor	mewhat consistent with the BWC.	87(2)(b) stated that on
May 2, 2020, at	approximately 5:00	PM, he was sitting on a park benc	h inside Brower Park in
		ele officers point their guns at § 87(2)(b)	during his arrest.
		prior to this incident. § 87(2)(b)	
how many office	ers drew their guns	and did not allege that any officers	pointed their guns at
(Board R	teview 43).		

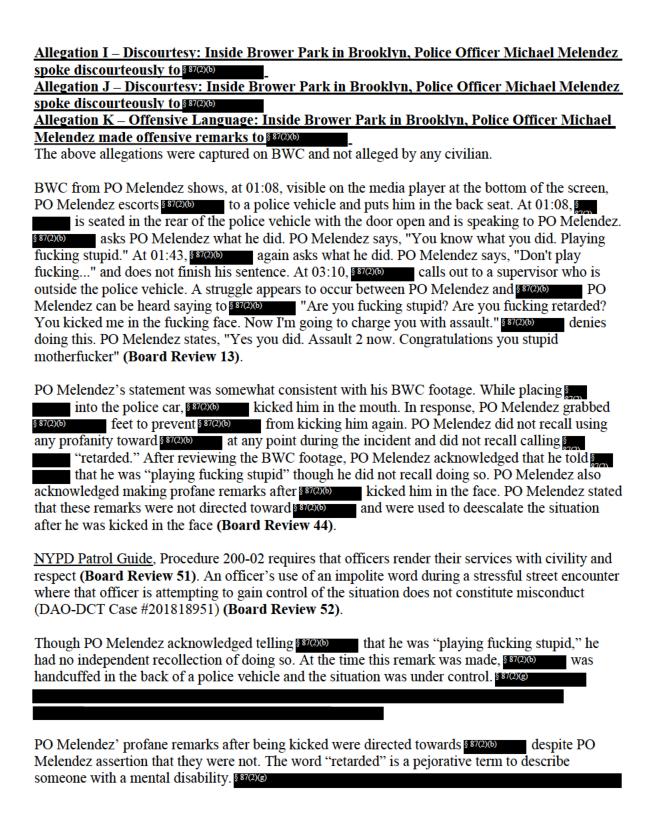
was uncooperative with the investigation and was therefore not interviewed.

PO Melendez's statement was generally consistent with the BWC. Earlier on the day of the incident, PO Melendez was instructed by his commanding officer to be on the lookout for named named in the vicinity of Brower Park, though he did not recall what this was in regard to. [87(2)(b)] is a known gang member and is known to carry a firearm. PO

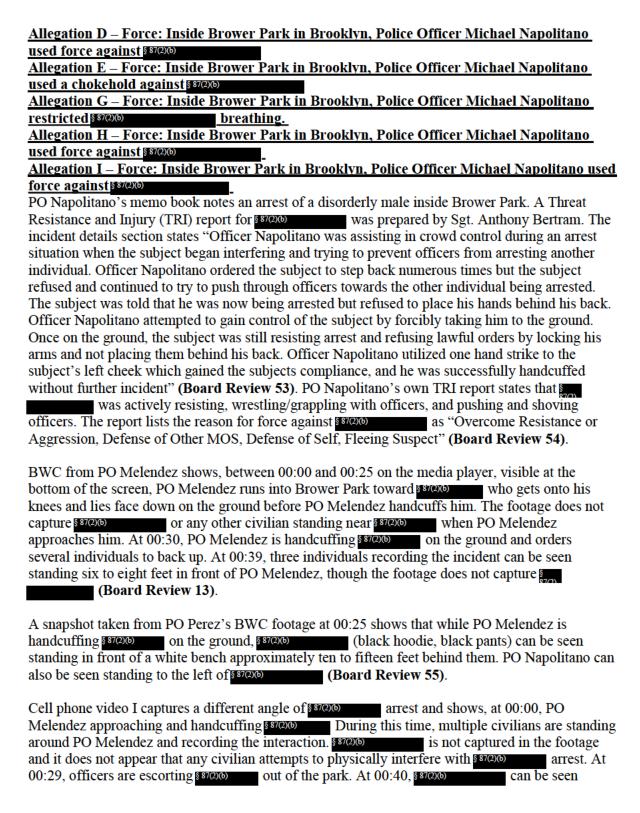


doing so (Board Review 47). The complaint report associated with the incident states that while at Brower Park, officers were flagged down by a civilian, who informed officers that there was \$87(2)(6) identified as on a motorbike driving recklessly through the park. Officers then observed 887(2)(6) recklessly operating a motorbike at a high rate of speed and riding it through a lawn where people were sitting. \$3000 then rode out of the park at Prospect Place and Kingston Avenue. While canvassing, officers observed \$87(2)(b) traveling westbound on St. Marks Avenue approaching Kingston Avenue, activated their turret lights and sirens and attempted to stop \$87(2)(6) attempted to evade officers. SSCO struck the front right bumper of the police vehicle as well as another parked vehicle with his motorbike. [87(2)(6)] then fled the scene of the accident on foot (Board Review 48). NYPD Patrol Guide, Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of an officer or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (Board Review 50). NYPD Patrol Guide, NYPD Patrol Guide Procedure 221-08 states that Conducted Electrical Weapons should only be used against persons who are actively resisting, against persons exhibiting active aggression, or to prevent individuals from physically injuring themselves or other persons present (Board Review **49**). PO Melendez acknowledged drawing and pointing his firearm at \$87(2)(6) at the end of the foot pursuit because \$87(2)6) was a known gang member with a history of carrying firearms and because \$87(2)(b) threw something as he ran from the officers, which further raised PO Melendez's suspicion that he may be armed. Though PO Perez also stated that she observed discard a black rectangular object during the foot pursuit, no other officer interviewed observed this occur and no officer could recall if there was a canvass for a firearm conducted at the scene. BWC footage of the incident begins after the foot pursuit of [870] has already begun and is inconclusive as to what object, if any, is discarded by \$87(2)(0) PO Melendez, PO Perez, PO Brissettortiz and PO Napolitano had no recollection of any other officers drawing their firearms or pointing them at \$87(2)(6) BWC footage of the incident is inconclusive as to whether any other officers drew their firearms during the incident. actively resisted arrest when he fled the scene of an accident involving a police vehicle and later when he fled from officers when they encountered him in the park. \$87(2)@

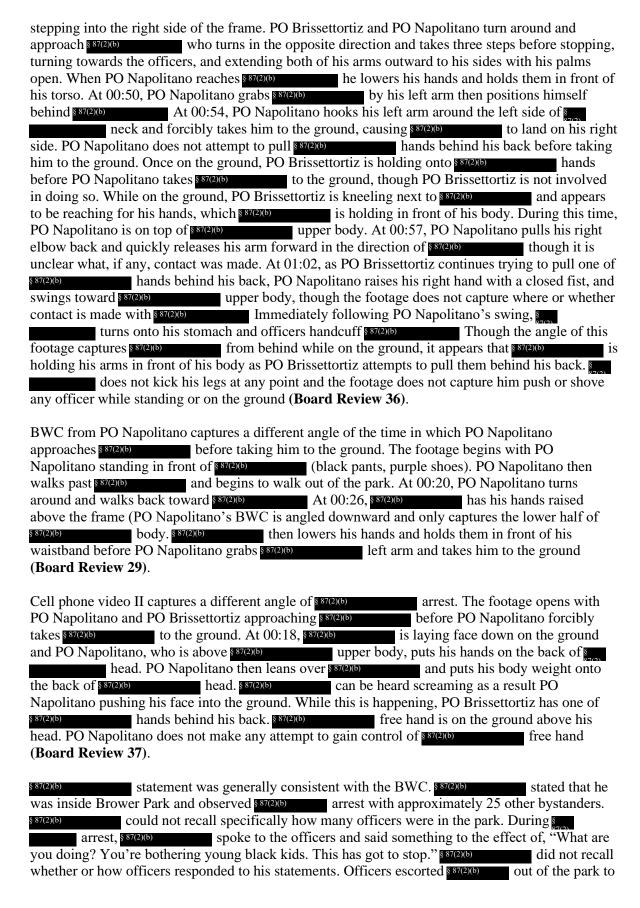
drawing and pointing his firearm or taser at second and denied observing any other officer

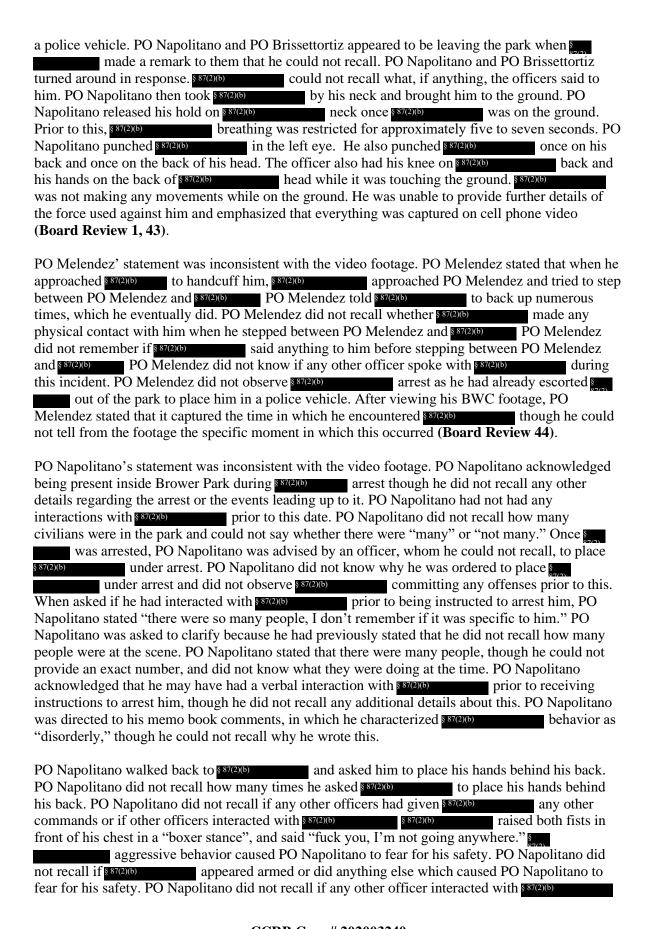


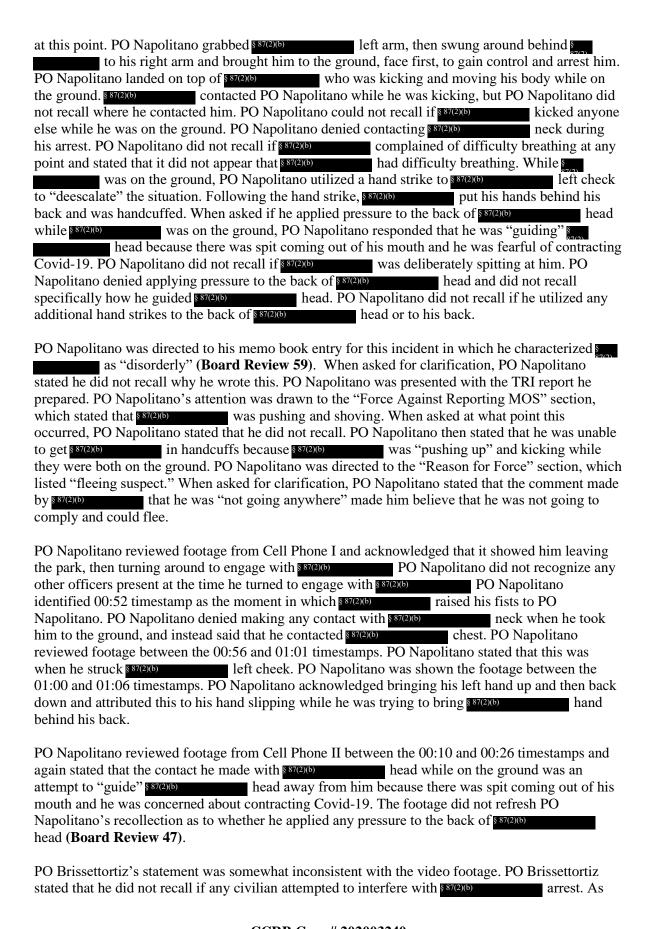
CCRB Case # 202003240

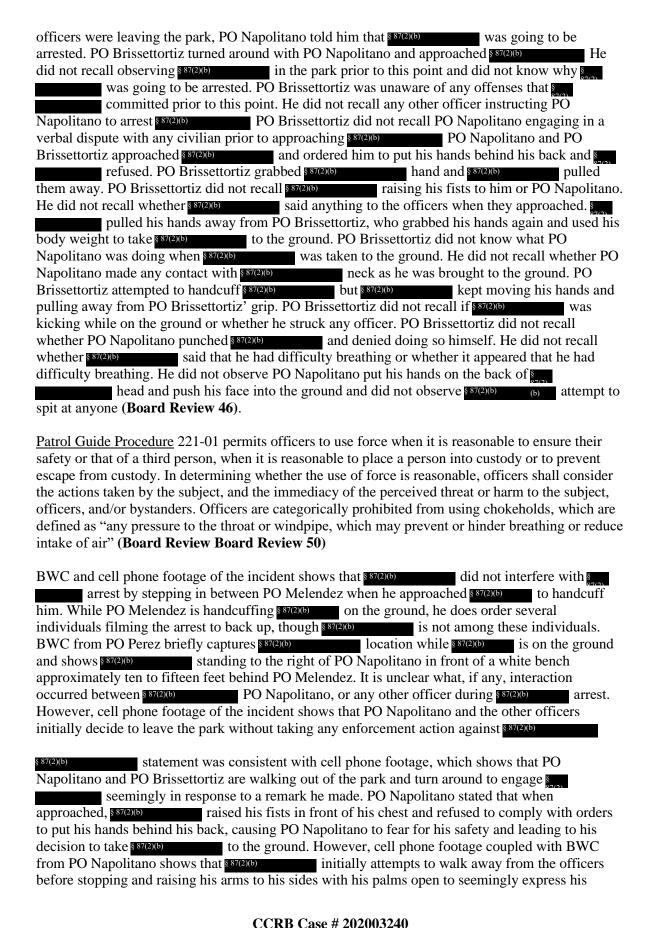


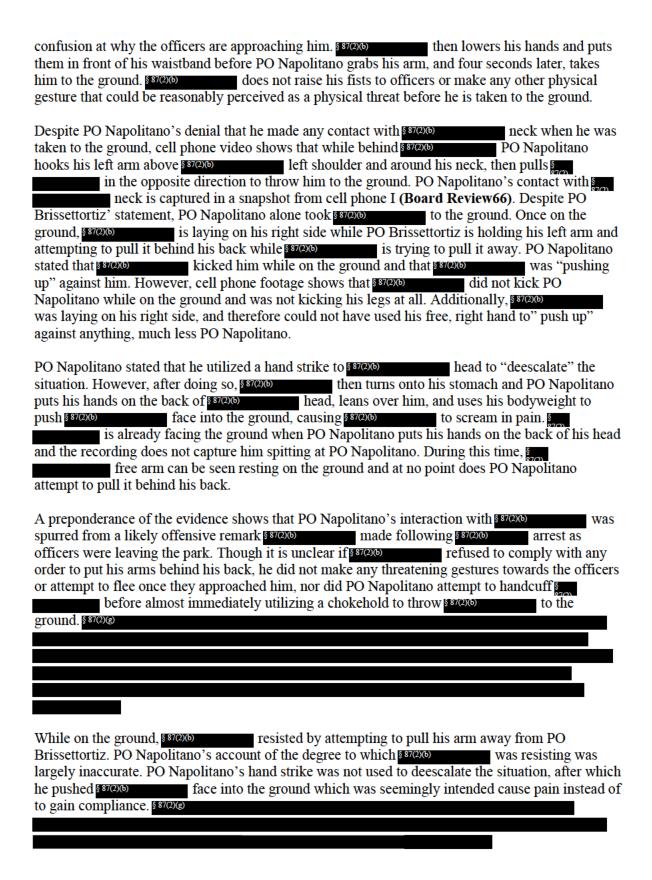
CCRB CTS – Confidential Page 6











Allegation L - Abuse of Authority: Inside Brower Park in Brooklyn, Police Officer Michael Napolitano refused to provide his shield number to an individual.

The above allegation was captured on cell phone video and not alleged by any civilian.

Cell phone footage of the incident shows, at 00:35, visible on the media player at the bottom of the screen, shows that once is handcuffed, the individual filming the encounter says to officers, "Can I please have his (PO Napolitano's) badge number." The individual repeats this request several times and PO Feraca tells him that he will provide him with PO Napolitano's shield number "after." The individual follows and continues to record PO Napolitano as he walks out of the park. The individual is walking approximately eight to ten feet away from PO Napolitano and loudly states, "I need his badge number. he punched him in his face." PO Napolitano, who is standing approximately five feet away from the individual at this point, acknowledges the individual, turns towards him, and briefly gestures towards his shield. PO Napolitano then begins walking toward the individual. PO Feraca quickly steps in front of the individual and orders him to step back. PO Napolitano then leaves the location and does not verbally provide his shield number at any point.

PO Napolitano did not recall if any civilian asked for his shield number during the incident. After reviewing cell phone footage of the interaction, PO Napolitano stated that he did not have an independent recollection of any civilian requesting his shield number (**Board Review 47**).

<u>Patrol Guide Procedure</u>, 203-09 states that officers must clearly state their name, rank, shield number, and command, or otherwise provide this information, to any civilian who requests they do so (**Board Review 56**).

Although the individual did not directly ask PO Napolitano for his shield number, the cell phone footage shows that PO Napolitano acknowledges the individual's request, turns towards the individual and briefly gestures toward his shield. PO Napolitano is continuing to walk as he makes this gesture, and, as such, the footage does not clearly capture his shield. At no point does he verbally provide this information to the individual.

PO Napolitano acknowledged the individual was requesting his shield number and did not take the appropriate steps to ensure that the individual was provided with this information,

Allegation M: Discourtesy – Police Officer Christian Feraca spoke discourteously to stop did not allege that PO Feraca used any profanity towards him, though BWC footage captures this.

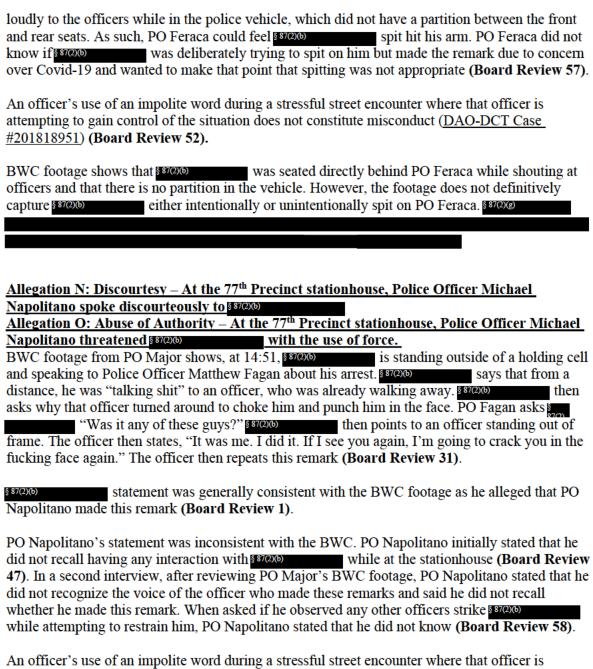
BWC from PO Feraca shows, at 03:18 on the media player located at the bottom of the screen, is in the back of a police vehicle and is shouting something unintelligible at the officers. PO Feraca, who is sitting in front of stop in the driver's seat responds "Stop fucking spitting bro! Seriously, no fucking spit." BWC from PO Major shows, at 00:45, stop is positioned in the rear-center passenger seat behind PO Feraca. The police vehicle does not have a partition between the front and rear seats. The footage does not capture spitting on PO Feraca (Board Review 24).

PO Feraca's statement was generally consistent with the BWC. PO Feraca acknowledged making

He did so because \$ 87(2)(6)

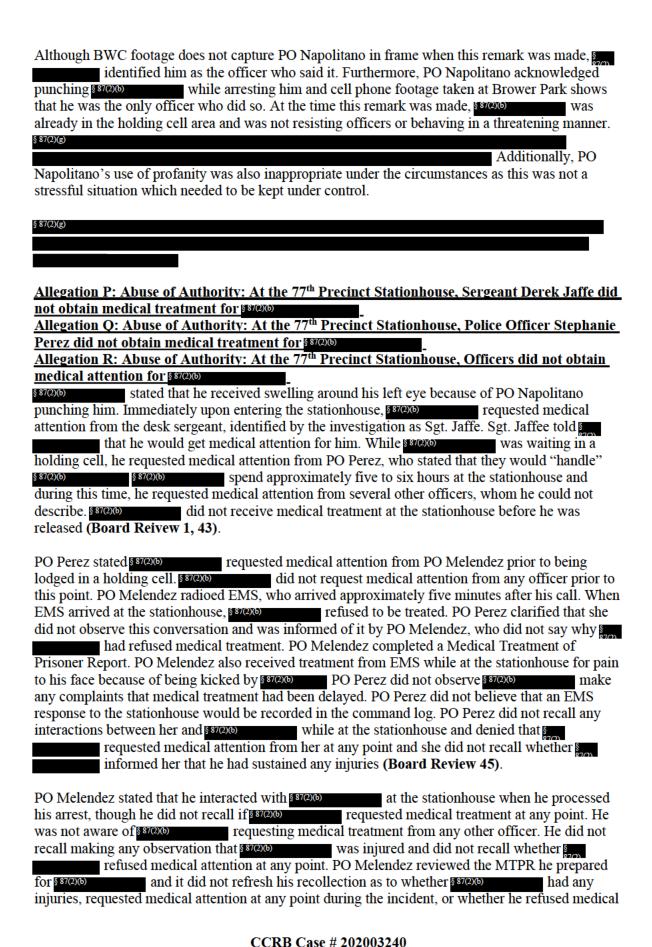
the profane remark to § 87(2)(6)

was yelling at and talking



An officer's use of an impolite word during a stressful street encounter where that officer is attempting to gain control of the situation does not constitute misconduct (<u>DAO-DCT Case #201818951</u>) (**Board Review 52**).

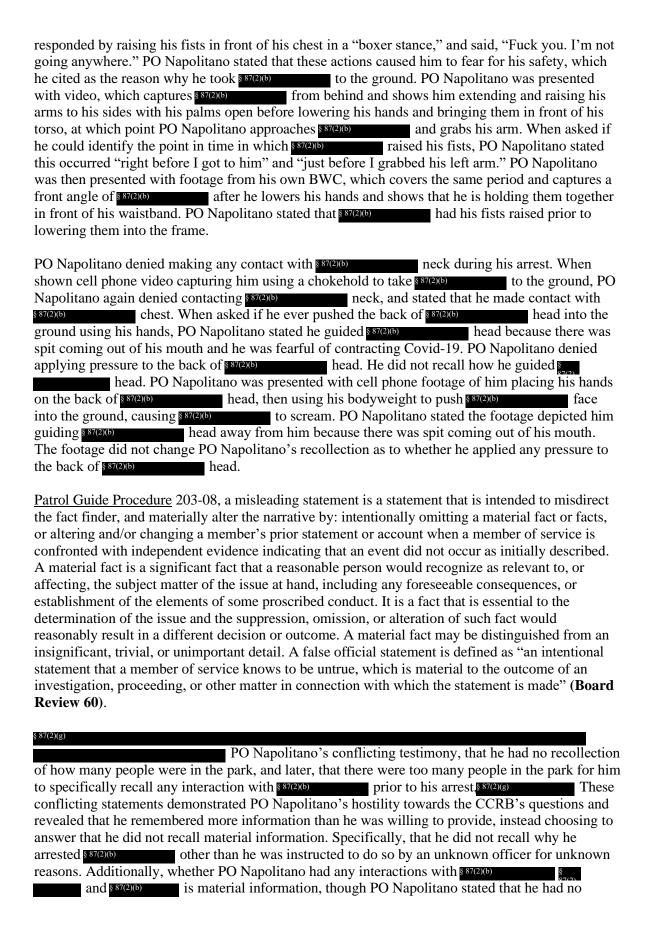
<u>Patrol Guide procedure</u>, 221-01, states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force (**Board Review 50**).

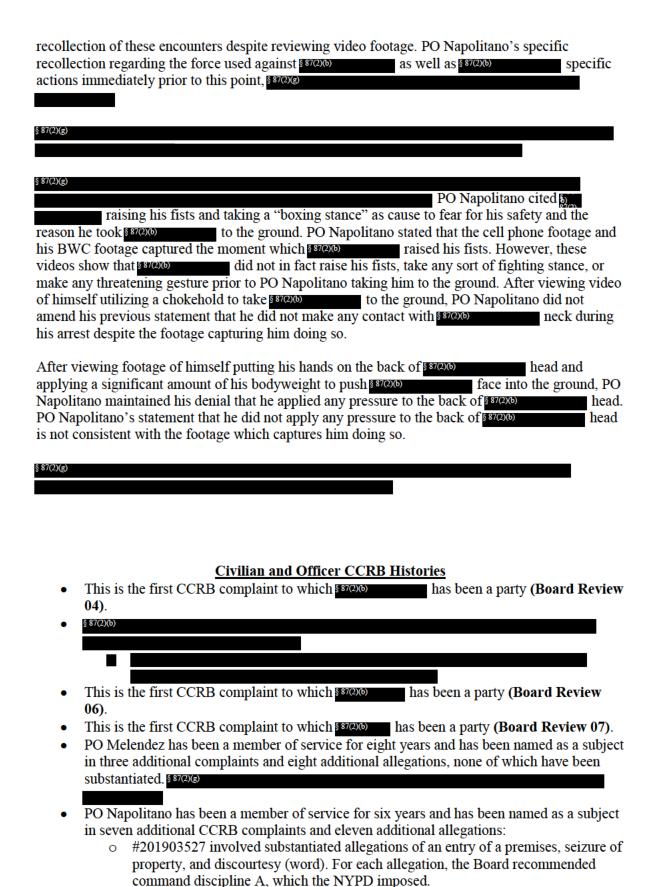


attention. PO Melendez stated that he himself received medical at the stationhouse as a result of kicking him in the face (Board Review 44).
PO Feraca, PO Brissettortiz and PO Napolitano had no recollection of requesting medical attention at any point during the incident.
is escorted into the stationhouse and is seated near the front desk. At 04:40, is standing next to PO Major and states, "Who can I speak to? As a matter of fact, I need to see medical." PO Major is making a phone call as makes this statement and does not acknowledge this request. At 07:43, which is brought to the front desk and speaks with Sgt. Jaffe before being escorted to a holding cell. At no point during this footage does request medical attention from Sgt. Jaffe or any other officer (Board Review 31). Strow alleged that immediately upon entering the stationhouse, he told Sgt. Jaffe that he needed medical attention. BWC footage captures the time in which stationhouse until he is lodged in a holding cell. Strow does not request medical attention from Sgt. Jaffe during the time in which he alleged this occurred. It is therefore recommended that allegation P be closed as Strow
request medical attention from PO Major, who was on a phone call at the time, and does not appear to hear request. Although PO Perez denied that requested medical treatment from her at any point, her statement was consistent with the MTPR prepared by PO Melendez, which states that requested medical attention, but refused it at the stationhouse. PO Melendez could not recall any details related to the MTPR he prepared for statement at any point during the incident.
§ 87(2)(g)
Allegation S: Discourtesy – At the 77 th Precinct stationhouse, Police Officer Michael Napolitano spoke discourteously to \$3000 Allegation T: Discourtesy – At the 77 th Precinct stationhouse, Police Officer Michael Napolitano spoke discourteously to \$3000 Allegations U: Discourtesy – At the 77 th Precinct stationhouse, Police Officer Michael
Napolitano threatened \$57(2)(0) with the use of force. 77th Precinct stationhouse security footage shows, between 45:21 and 47:54, \$57(2)(0) and \$57(2)(0) are standing in the lobby when PO Napolitano appears behind the security gate and begins speaking with them. Although the footage does not have audio, the conversation appears to become contentious as \$55(2)(0) and PO Napolitano begin pointing at one another. \$57(2)(0) appears to tell \$55(2)(0) appears again before both \$55(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$55(2)(0) and \$55(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$55(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$55(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$55(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) appears to the lobby and PO Napolitano appears again before both \$50(2)(0) and \$50(2)(0) appears again before both \$50(2)(0)
stated that she and stated that she and arrived at the 77 th Precinct and while in the lobby area, spoke to PO Napolitano, who told them that he had arrested for "being a dickhead." asked PO Napolitano why the police were always harassing stated and why they did not arrest any white kids in the neighborhood. PO Napolitano responded, "Because there are no fucking white kids around here." Then PO Napolitano then told stated in the lobby area, and why

fuck you up, like I fucked your son up" before ordering both sarous and sarous to "get the fuck out" of the stationhouse (Board Review 2).
statement was generally consistent with statement though he did not allege that PO Napolitano called stated, "there are no fucking white kids around here" (Board Review 3)
PO Napolitano stated that he had no recollection of any interaction with parents while at the stationhouse. After reviewing the stationhouse footage, PO Napolitano said it did not refresh his recollection of any interaction he had with and stationhouse and stationhouse (Board Review 47).
No other officer had any recollection of this interaction.
An officer's use of an impolite word during a stressful street encounter where that officer is attempting to gain control of the situation does not constitute misconduct (<u>DAO-DCT Case</u> #201818951)(Board Review 52).
<u>Patrol Guide procedure</u> , 221-01, states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force (Board Review 50).
The profanities allegedly used by PO Napolitano during this encounter would not have been used to gain control of a stressful encounter. Though the stationhouse footage does not include audio of the conversation between PO Napolitano and parents,
CCRB case #201903527 involved a substantiated discourtesy (word) allegation against PO Napolitano in which he said to a civilian, "I'll collar you bro, I don't give a fuck. You know me, I don't give a shit." In his interview for that case, PO Napolitano acknowledged using discourteous language towards the complainant, stated that there was no reason why he used profanity, and joked that he did so because he was Italian (Board Review 67).
PO Napolitano has demonstrated a pattern of using discourteous remarks towards civilians, which only serve to escalate the interactions in which they are used.
§ 87(2)(g)

§ 87(2)(g)
Allegation V – Untruthful Statement: On December 3, 2021, and December 28, 2021, at 100 Church Street in Manhattan, Police Officer Michael Napolitano provided a misleading official statement to the CCRB. Allegation W – Untruthful Statement: On December 3, 2021, at 100 Church Street in Manhattan, Police Officer Michael Napolitano provided a false official statement to the
During his interviews on December 3, 2021, and December 8, 2021, PO Napolitano failed to recall many of the details leading up to the force he used against as well as later interactions he had with and his parents at the 77th Precinct Stationhouse. During his initial interview, PO Napolitano was asked how many people were in the park during arrest, to which he said that he did not recall. He was then asked if he would characterize the number of people as "many or not many," to which PO Napolitano stated that he did not recall. Later in the interview, PO Napolitano was asked whether he had any interaction with prior to being instructed to handcuff him. PO Napolitano stated, "There were so many people, I don't remember whether it was specific to him." When ask for clarification as he had previously testified that he did not recall how many people were in the park, PO Napolitano stated that he had not been asked for an approximate number.
PO Napolitano stated that as he was leaving the park, an officer, whom he did not recall, instructed him to handcuff for reasons that were unknown to PO Napolitano. PO Napolitano stated that he did not recall observing committing any offense prior to his arrest. PO Napolitano was referred to his memo book entry for this incident, which noted an arrest of a "disorderly male inside Brower Park." When asked for clarification on behavior, PO Napolitano stated that he did not know why he wrote this.
at the 77 th Precinct stationhouse nor did he recall any of the details of the allegations pled against him at this location. PO Napolitano was shown stationhouse footage of him interacting with and \$570,000 in which he and \$570,000 appear to engage in a verbal dispute, though he stated that he had no independent recollection of this encounter.
During his initial interview PO Napolitano acknowledged using force against including a hand strike to left eye. Cell phone footage of this incident confirms that he was the only officer who used force against During a second interview on December 8, 2021, PO Napolitano was shown BWC footage which captures standing outside of a holding cell and speaking to Police Officer Matthew Fagan about his arrest. SSTOWN says that from a distance, he was "talking shit" to an officer, who was already walking away. SSTOWN then asks why that officer turned around to choke him and punch him in the face. PO Fagan asks SSTOWN "Was it any of these guys?" SSTOWN then points to an officer standing out of frame, who states, "It was me. I did it. If I see you again, I'm going to crack you in the fucking face again." PO Napolitano stated that he did not recognize the voice in the footage, did not recall whether he made this remark, and did not have an independent recollection of the interaction captured in the footage.
PO Napolitano did have a specific recollection regarding the force he used against which included two materially false statements. PO Napolitano initially stated that he approached and ordered him to put his hands behind his back, to which





#202002635 involved an allegation of a chokehold which the investigation

recommended be closed as substantiated. This case is pending board review. Specifically, it was alleged that PO Napolitano utilized a chokehold to forcibly take the complainant to the ground.

- PO Brissettortiz has been a member of service for five years and this is the first CCRB complaint to which he has been a party.
- PO Feraca has been a member of service for three years and has been named as a subject in two additional CCRB complaints and four additional allegations, none of which have been substantiated.
- PO Perez has been a member of service for four years and has been named as a subject in five additional CCRB complaints and eight allegations, none of which have been substantiated.

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

• A December 29, 2021 inquiry to the Office of the Comptroller revealed that a notice of claim has not been filed for in regard to this incident (**Board Review 65**).

. =			
•			
Sanad:	8		
Squad:	0		
Investigator:	Trevor Hackett	Inv. Trevor Hackett	03/17/2022
	Signature	Print Title & Name	Date
Squad Leader: _	Ethan De Angelo	<u>IM Ethan De Angelo</u>	3 <u>/17/2022</u>
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date